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PART II—Section 3—Sub-section (II)

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MINISTRY OF COMMERCE AND INDUSTRY

NOTIFICATION

MERCHANDISE MARKS

New Delhi, the 9th September 1960

S.O. 2231.—The following draft of a notification which the Central Government, being convinced that it is necessary in the public interest so to do, proposes to issue in exercise of the powers conferred by sub-sections (1) and (3) of section 117 of the Trade and Merchandise Marks Act, 1958 (43 of 1958) and in supersession of the notification of the Government of India in the Ministry of Commerce and Industry No. S.O. 17 dated the 29th December, 1959 is published as required by sub-section (4) of the said section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 17th October, 1960.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

DRAFT NOTIFICATION

Indications of origin of goods.

1. *Requirements in respect of goods imported from abroad specified in column 2 of Part I of the Schedule.*

(1) Subject to the provisions of sub-section (5) of section 117, the classes of goods specified in column 2 of Part I of the Schedule hereto annexed shall, on importation and at the time of sale, whether by wholesale or retail or both, have applied to them in the manner specified in the corresponding entry in column 3 of Part I of the said Schedule,

(a) an indication of the country or place in which the goods are made or produced or of the name and address of the manufacturer, or

(b) where such goods are manufactured by one person for another who are both beyond the limits of India, either an indication as specified in
(a) above or of the name and address of the person for whom the goods are manufactured.

(2) where such goods are made or produced in one country and contained in packages made or produced in another, the indication shall specify such countries;

(3) where such goods are partly or wholly made or produced in one country and partly made or produced or finished or processed or embellished or completed in another country or other countries, or where the goods are made of indis-

tinguishable parts or constituents made in two or more different foreign countries, the indication may be expressed as, 'Manufacture of different countries outside India', or 'Produce of different countries outside India' or 'Made abroad', or 'Foreign made'.

(4) where the name of the place in the indication is identical with, or deceptively similar to, the name of a place in India or if the name is the name of a place in more than one country, such name shall be accompanied in equally large and conspicuous letters and in the English language by the name of the country in which the place is situated.

(5) The above provisions shall be without prejudice to the requirements of counter indication of country of origin, etc., required by or under section 18(e) of the Sea Customs Act, 1878 (8 of 1878).

2. Requirements in respect of goods produced in India or imported but packed or otherwise processed in India and falling within column 2 of Part II of the Schedule.

(1) The classes of goods specified in column 2 of Part II of the Schedule hereto annexed shall at the time of sale, whether by wholesale or retail or both, have applied to them an indication that such goods are made or produced in India or at any place in India, or an indication of the name and address of the manufacturer or of the person for whom the goods were manufactured, in the manner specified in the corresponding entry in column 3 of Part II of the said Schedule.

(2) Where such goods are made or produced in a foreign country but are packed or otherwise processed in India or where such goods are sold in containers or coverings made in India both the country or place of origin of the goods and the words 'packed in India' or "processed in India" or 'Containers or coverings, made in India' as the case may be, shall be indicated; provided that the use of the words 'container or coverings made in India' shall be presumed to be an indication that the goods were 'packed in India' unless an express contrary indication appears.

(3) Where such goods are assembled in India with foreign and indigenous parts, the indication of the country of origin to be applied to the goods shall be 'assembled in India'.

Provided, however, in the case of machinery where the foreign parts form a minor and or insignificant portion of the goods (being less than 20 per cent in value), the indication may be "Made in India".

3. General provisions in respect of goods falling within column 2 of both Part I and Part II of the Schedule.

(1) The indication of the country or place or the name and address referred to in rules 1 and 2 shall be shown in large and conspicuous letters. The minimum size of the lettering of such indication of the country or place of origin or the name and address shall be not less than two millimetres in height or less than one fourth of the size of the largest letter appearing in the name, word, or trade description applied to the goods, whichever is larger, or in the case of drugs and pharmaceuticals or cosmetics and toilet preparations not less than the largest letter used in the display of the name of the manufacturer appearing at any place in the label.

(2) The indication shall, in cases where any name, word or trade description applied to the goods or the packages thereof is in English or in any language other than in an Indian language, be in the English language; and where such name, word or trade description is in an Indian language or languages with or without English, the indication shall be either in the English language or in each one of the languages in which such name, word or trade description appears.

(3) The indication shall be on the same label or part of the covering or goods, as the case may be, to which the name, word or trade description is applied and shall be reasonably near such name, word or trade description. Where the name, word or trade description appears at more than one place on the label, the indication shall be at least in two places. Where a trade description, which is likely to indicate foreign origin or the foreign address of the manufacturer, is applied on the goods made in India or on the packages of such goods, the indication shall accompany, and the adjacent to, such application. The indication shall not be in

a separate label nor otherwise detachable from the application of the name, word or trade description itself and it shall be applied no less indelibly than the name, word or trade description.

4. *Small size goods*.—Where due to the smallness of the goods or otherwise it is impracticable to mark on the goods themselves an indication of the country or place of origin or where it is not possible to do so without adversely affecting the quality of the goods or without undue expenditure, the indication may be applied on the package attached to such goods.

5. *Exemptions*.—The following classes of goods are exempted from the operation of this notification:

- (a) materials imported by the railways and marked with the name of the railway;
- (b) samples or patterns readily distinguishable as such and valueless in themselves; and
- (c) articles intended for free distribution for advertising purposes.
- (d) goods imported for the personal use of individuals and not for trade purposes.

6. *Interpretation*.—In this notification,—

- (a) "package" shall have the same meaning as defined in section 2(1)(1) of the Trade and Merchandise Marks Act, 1958;
- (b) "label" includes any ticket, band, card or tag;
- (c) "applied" includes attached, enclosed, annexed, inserted, secured, fastened, stitched, sewn, woven or stamped, and 'application' shall be construed accordingly.

7. *Commencement*.—This notification shall come into force on and from the 1st April, 1961.

SCHEDULE

PART I

Goods made or produced beyond the limits of India and imported into India

Item No.	Class of goods	Manner in which the indication shall be applied.
(1)	(2)	(3)
1	Apparatuses and appliances, electric and all kinds assembled.	On the goods themselves.
2	Chemicals, drugs, medicines and pharmaceutical products of all kinds.	On the packages.
3	Cigarettes	Do.
4	Electrical wiring accessories	On the goods themselves or on the packages.
5	(a) Electric cells and batteries of all kinds including primary batteries for dry cells, flash lamps, torch type, motor car batteries.	On the goods themselves.
	(b) Plates for motor vehicle batteries	On the packages.
6	Fents	On the bundles or packages.
7	Glass bulbs and gloves including electric incandescent bulbs.	On the goods themselves.
8	Iron ingots	On the goods themselves.
9	Lanterns and lamps of all kinds including electric torches and flash lights and automobile lamps	Do.

(1)	(2)	(3)
10	Machinery of all kinds assembled	On the goods themselves.
11	Manufactures of wood	Do.
12	Parts, spare parts and accessories of apparatuses and appliances, electric and all kinds	On the goods themselves or on the packages.
13	Parts, spare parts and accessories of machinery of all kinds.	Do.
14	Piecegoods of cotton, silk, artificial silk, staple fibre yarn and wool including mixture piecegoods, <i>i.e.</i> , piecegoods made out of different kinds of yarns, or piecegoods made out of yarns spun out of mixture of different kinds of textile fibre.	On the goods themselves.
15	Spirits, Wines and Liquors	On the labels of the bottles and on the packages.
16	Stationery goods, all kinds	On the goods themselves or on the packages.
17	Tiles of all kinds	On the goods themselves.
18	Toilet preparations of all kinds, including soaps .	On the packages.
19	Wood and timber in logs	On the goods themselves.
20	Wood and timber in pieces, planks or scantlings .	On the goods themselves or on the bundles or packages.
21	Yarns of cotton, silk, artificial silk, staple fibres and wool including yarn spun out of mixture with one or more kinds of textile fibres, as well as yarns consisting of strands of different kinds of yarn combined by the process of doubling or twisting.	On the bundles.
22	All other imported goods which bear or purport to bear any name, word or other mark or trade description.	On the goods themselves or on the packages.

PART II

Goods made or produced within the limits of India

Item No.	Class of goods	Manner in which the indication shall be applied
(1)	(2)	(3)
1	Abrasives coated	On the goods themselves.
2	(a) Batteries of all kinds, primary and secondary, such as dry cells for flash lights radios, etc. and storage batteries of the motor vehicle, train lighting and stationary types.	On the goods themselves.
	(b) Plates for motor vehicle batteries,	On the packages.
3	Belting	On the goods themselves or on the packages.
4	Blowers (Industrial)	Do.
5	Boilers	Do.
6	Bolts, nuts and rivets	Do.

(1)	(2)	(3)
7	B.R.C. and other fabrics.	On the bundles or packages.
8	Chemicals, drugs, medicines and pharmaceutical products of all kinds.	On the packages.
9	Cigarettes.	On the packages.
10	Piecegoods of cotton, silk, artificial silk, staple fibre yarn and wool including mixture piecegoods, <i>i.e.</i> , piecegoods made out of different kinds of yarns, or piecegoods made out of yarns spun out of mixture of different kinds of textile fibre, excepting handloom cloth.	On the goods themselves.
11	Cutlery articles, metallic.	Do.
12	Cycles complete	On the frames, forks and mud-guards.
13	Cycles, major component parts of, such as, Front Forks, Mudguards, handle bars, brakes, chain wheels and cranks, pedals, Freewheels, Hubs, Rims, Lamp brackets, chain adjusters, Reflectors, Hub Axle, Central axle.	On the goods themselves.
14	Cycles, small component parts of, not covered by item 13.	On the packages.
15	Duplicators.	On the goods themselves.
16	Electric brass lamps holders.	On the lamps holders and cartons.
17	Electrical equipment.	On the goods themselves.
18	Fountain pens.	On the goods themselves.
19	Gate hooks and eyes.	On the packages.
20	Gramophone needles.	On the packages.
21	Grinding Media.	On the packages.
22	Grinding stones.	On the label pasted.
23	Grinding wheels.	On the goods themselves or on the packages.
24	Hurricane Lanterns.	On the goods themselves.
25	Inks of all kinds, including fountain pen ink	On the bottles and paper cartons.
26	Oil pressure lamps mantles.	On the packages.
27	Oil pressure lamps.	On the goods themselves.
28	Parts, spare parts and accessories of all internal combustion engine.	On the goods themselves or on the packages.
29	Parts, spare parts and accessories of machinery of all kinds.	On the goods themselves or on the packages.
30	Parts, spare parts and accessories of motor vehicles.	On the goods themselves.
31	Pressure stoves.	On the goods themselves.
32	Prophylactics (Rubbers).	On the packages.
33	Pumps.	On the goods themselves.
34	Razor blades.	Do.
35	Rubber manufacture	Do.
36	Safety pins.	On the packages.
37	Sealfast seal.	On the goods themselves.
38	Spirits, wines, and Liquors.	On the labels of the bottles and packages.
39	Split cotter pin and taper cotter pin.	On the packages.
40	Sports goods of all kinds.	On the goods themselves.

(1)	(2)	(3)
41	Steel files.	On the goods themselves.
42	*Steel drums and barrels.	Do.
43	Tennis balls.	On the packages.
44	Toilet preparations of all kinds, including soaps.	Do.
45	Tools (garage equipment).	On the goods themselves.
46	Tooth brushes.	Do.
47	Trailors.	Do.
48	Welding Electrodes.	On the packages or other-wise.
49	Woodscrews and machine screws.	On the goods themselves or on the packages.
50	Yarns of cotton, silk, artificial silk, staple fibre and wool, including yarn spun out of mixture with one or more kinds of textile fibres as well as yarn consisting of strands of different kinds of yarn combined by the process of doubling or twisting.	On bundles.
51	Zip Fastners.	On the goods themselves.

*The indication to be applied on goods falling within the Item 42 shall be "Container made in India".

[No. 7(1)-TMP/60].

K. V. VENKATACHALAM, Joint Secy.